

REMARKSStatus of the Application

Claims 1-8 are pending and have been rejected.

Section 102 Rejections

Claims 1, 2, 5, 7 and 8 have been rejected under 35 U.S.C. Section 102 as being anticipated by Evans U.S. Patent No. 5,924,074. In response, applicant has amended claims 1, 2 and 7 and added a new claim 9.

In brief summary, the crucial difference between the present invention and that described in the Evans and Shipp patents is in the system architecture and the ways in which the systems are used. The Evans and Shipp inventions are both Electronic Medical Records (EMR) systems designed to track an individual patient's medical encounters during office visits, hospitalizations, surgeries, medications, etc. (See, e.g., Evans at col. 2, lines 22-24 and abstract.) The Evans system's goal is to track all medical encounters for an individual patient and make them accessible to the point-of-care physician. The Shipp invention is a report generation system that utilizes still images and dictated text to build or augment a patient's medical record. Both Evans and Shipp systems are designed solely for point-of-care clinical purposes, that is, for use by physicians and others who routinely see and treat patients in a traditional one-on-one, doctor-patient relationship. The "searchability" of the Evans and Shipp systems is limited to queries based on a Patient ID, and the user can only access data for one patient at a time.

By contrast, the present invention is designed to capture, store and retrieve aggregate data from multiple patients for use as a tool for research and teaching. It is not an Electronic Medical Record system, and it is not designed to be used as a clinical tool to for tracking the health care

encounters of an individual patient. Rather, the present invention comprises a central repository of multimedia medical data for a population of patients, and is designed to be used by departments, hospitals, research institutions, and companies performing biomedical research and other types of research. In short, the goal of the invention is to facilitate research, clinical trials, Standards of Care issues and Outcomes Analysis. See specification at page 4, lines 2-13 and page 5 at lines 12-16.

The present invention functions in a macro environment that permits a scientist or physician to query the system on any number and combination of criteria. Specification at page 4, lines 7-10 and page 6, lines 8-10. For example, the researcher may ask the system for images for Lung CA for females aged 40 through 70 with accompanying audio and notes from the final reports. The data may emanate from a single department or any number of departments. Such a search would return data on any number of records that matched the stated criteria. The researcher could further limit the image search for radiology images or microscopy images. The invention takes raw, macro data that has been captured for its medical significance and retrieves all instances that match the criteria.

Applicant's claim 1 has been amended to highlight these important differences between the present invention and the cited art. For example, amended claim 1 now requires "means for storing the data in a centralized archival searchable database accessible in the aggregate by the research, teaching and healthcare institutions." "In the aggregate" means the entire database can be accessed at once, not just data for an individual patient. Support for this new limitation can be found in the specification as filed at, among other places, page 4, lines 11-13, page 9, line 22 to page 10, line 2. Neither Evans nor Shipp describe such a system.

In keeping with the purpose of the invention, claim 2 has been amended to require “means for searching the centralized archival database for selected data from selected multiple patient files according to a desired criteria.” Support for this limitation can be found in the specification as filed at page 12, lines 1-5 and page 13, lines 12-17. Neither Evans nor Shipp teach a system that can be searched in this way.

Claim 7 has been amended in a manner similar to claim 1. Applicant respectfully submits that claims 1 and 7 and their dependent claims are allowable over the art of record and requests allowance of same.

Section 103 Rejections

The Examiner has rejected claims 3 and 4 as being unpatentable over Evans in view of Shipp. Applicant respectfully submits that these claims are allowable for at least the same reason as claims 1 and 2.

New Claim 9

New claim 9 includes all the limitations of base claims 1 and 2, plus the further limitation of “means for producing user defined reports for display or printing.” This limitation is found in the specification as filed at page 13, line 24 to page 14, line 2. The Evans and Shipp systems do not have this capability.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed December 13, 2005, and an early and favorable action allowing claims 1-9 is respectfully requested. The Examiner is invited to telephone Applicant's undersigned attorney if any unresolved matters remain.

Respectfully submitted,



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